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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **GARRISON DAVIS**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF DOUG BROWN IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Doug Brown, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a legal observer for the ACLU. If called as a witness, I could, and would, testify competently to the facts below.

2. As a legal observer, my job is to watch what happens at the protests, take photos or videos if I can, and report what I see to the ACLU. I always wear the blue ACLU vest identifying me as a legal observer when I cover the ongoing Portland protests. It says ACLU on it in big block letters so that the everyone understands what I am doing there.

3. I covered the protests on July 16, 2020. I was there in my capacity as a legal observer. I did not demonstrate against the police. I was wearing my blue ACLU vest.

4. I arrived downtown at 10:00 p.m. Shortly after I arrived, I began following a group of Portland police officers to watch what they were doing. There was also a group of protesters following the police. We eventually followed the police over to the area by the Justice Center.

5. All of a sudden, I lost sight of the police (I presume they went into Justice Center). At the same time, I saw pepper balls exploding at the feet of the protesters. Nobody in the crowd had done anything threatening or unlawful.

6. At that point, I could see federal agents emerging from the Edith Green federal building next to the Justice Center and amassing in the street. This was at around 11:00 p.m.

7. The federal agents formed a wall to block the road. More federal agents positioned themselves on the sidewalk.

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8. A small group of protesters, NLG legal observers, a journalist and I were about 500 feet away from the federal agents were standing. Some of the protesters began slowly walking toward the federal agents and yelling at them and asking why they were shooting at them. Nobody had done anything threatening or unlawful.

9. The federal agents kept their guns trained on approaching protesters but did not fire any shots after initial volley of pepper balls. Federal agents in blue uniforms moved back under the overhang of the Edith Green building. Federal agents in camouflage uniforms began hiding in grass and behind trees.

10. More people started gathering in the street on the edge of the sidewalk in front of the building. The federal agents did not say anything, but did a test on a long range acoustical device ("LRAD"). Without warning, the federal agents began firing at the feet of the people on the sidewalk, then began firing indiscriminately into the crowd. Prior to this occurring, I had not seen any threats or unlawful activity from the protesters.

11. At 11:26, I saw the federal agents shoot a journalist. Video here: <https://tinyurl.com/FedsVsReporters>, at 14:55–17:12. The journalists were not doing anything threatening or illegal.

12. After they started shooting, federal agents lit a fiery stick that gave off some kind of smoke, set off flash bang grenades and tear gas. I was tear gassed and had to run away from the area and could no longer report on or observe what the federal agents did to the protesters.

13. Once I was able to breath and see well enough, I walked west on SW Jefferson. Then I turned north on SW 4th. When I arrived there, federal agents were clearing the street. I was across from Chapman Square (which is City property). Federal agents told me that I could not go near the fence and threatened to shoot me. I saw a person with press insignia and a camera walking on the west side of SW 4th. Federal agents threatened to shoot him. He was holding his camera and looked like he was recording. Video here: <https://tinyurl.com/FedsVsReporters>, at 22:42–23:25.

14. I saw some commotion occurring around SW Salmon and SW 4th Ave., so I went over there. Federal agents were marching in a line, pushing up from Third Street to Fourth Street. They were setting off flashbang grenades as they went. Teargas was wafting over everyone including homeless people and food stands. Federal agents were shooting at people and releasing teargas.



15. Almost the whole time I was at the protests, I felt like I could be targeted at any time because the federal agents had attacked and threatened reporters and legal observers right in front of me and were indiscriminately firing munitions, flashbangs, and tear gas at crowds for no apparent reason.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 17, 2020

A handwritten signature in black ink, appearing to read 'Doug Brown', written over a horizontal line.

Doug Brown